

IN THE DRAWINGS

Enclosed please find replacement sheets for Figs. 2A, 2B, 2C, 3A, 3B, 4A, 4B, 11A, 11B, and 11C. Please add "Prior Art" to Figs. 2A, 2B, 2C, 3A, 4A, 11A, 11B, and 11C.

R E M A R K S

Claims 1-14 are pending in the present application. Applicants amended claims 1, 3, 7, and 9 to clarify the invention. Applicants refer to Figs. 15, 18, and 20 for exemplary embodiments of and support for these claim amendments. Applicants amended claims 5 and 12 to correct minor errors. No new matter has been added.

Applicants acknowledge with appreciation the Examiner's indication that claims 5-6 and 12-14 are allowed, and submit that the reasons for allowance provided by the Examiner include only one interpretation of the allowed claims—such interpretation is non-exclusive, non-exhaustive, and in no way limits the scope of the allowed claims.

The Examiner objected to the drawing under 37 CFR 1.83(a). Applicants respectfully submit that the objection was improper. Under 37 CFR 1.83(a), the drawing of an application, indeed, must show every feature specified in the claims. It does not, however, require either designating illustrated features as "prior art" or canceling the features from the claims. In fact, features of a claimed invention cannot be "prior art." Furthermore, drawings directed to additional features or alternative embodiments of an invention that are not recited in the claims also need not be designated as "prior art." Such features may, for example, be claimed in a related—say, a divisional—patent application. Thus, 37 CFR 1.83(a) only requires that all features specified in the claims be shown in the drawing, but it does not require the drawing be limited to only those features. With reference to MPEP § 608.02(g), applicants attach proposed revisions to Figs. 2A, 2B, 2C, 3A, 4A, 11A, 11B, and 11C as replacement sheets in marked-up form with the designation "Prior Art," to designate that which is old as "Prior Art." Applicants respectfully submit that Figs. 14A, 14B, 15, and 16 illustrate features of the present invention

and that the remaining objected-to figures—Figs. 3B, 4B, 5-9, 10A, 10B, 10C, 10D, 10E, 12A, 12B, 13A, and 13B—are not “prior art” for they illustrate features described in a prior application, Japanese Patent Application No. 2000-359949 titled “Noise Canceling Method and Apparatus,” co-invented by one of present applicants. (Please see page 4, lines 30-37 of the specification) U.S. Patent Application No. 09/819,395 (Publ. No. 2002/0064234) was filed based of this Japanese Patent Application. Even if features from the prior U.S. and Japanese Patent Applications were not invented by present applicants, they would qualify as prior art only under one or more of 102(e), (f), and (g). And since these prior applications and the present application are all under obligation of assignment to Fujitsu Limited, the prior applications are not prior art and cannot preclude patentability of the present application, pursuant to 35 U.S.C. § 103(c). Applicants, therefore, respectfully submit that Figs. 3B, 4B, 5-9, 10A, 10B, 10C, 10D, 10E, 12A, 12B, 13A, 13B, 14A, 14B, 15, and 16 are not “prior art” and need not be so designated. Applicants request that the proposed revisions to Figs. 2A, 2B, 2C, 3A, 4A, 11A, 11B, and 11C be accepted, and that the objection to the drawing be withdrawn. Applicants will submit formal drawings upon allowance of the present application.

The Examiner objected to claim 5 for informalities. Applicants amended claim 5 in accordance with the Examiner’s suggestion, and respectfully requests that the Examiner withdraw the objection. Applicants amended claim 12 to correct a similar error.

Claims 1-4 and 7-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,630,304 to Borth et al., and further in view of Applicants’ Admitted Prior Art (“AAPA”). Applicants amended independent claims 1, 3, 7, and 9 in a good faith effort to further clarify the claimed invention as distinguished from the cited prior art. Applicants respectfully traverse the rejection.

The Examiner acknowledged that Borth et al. “do not teach receiving a specific signal having a specified time position, amplitude, and phase; predicting a noise by extracting a frequency band having a larger noise component from a pair of frequencies generated by insertion of the specific signal; and reproducing a transmitted original signal by canceling the predicted noise from a reception signal,” but relied upon alleged “admitted prior art” to disclose these features. Page 4, lines 2-12 of the Office Action. The Examiner relied upon Figs. 3B, 4B, and 6B and their corresponding description in the specification as alleged AAPA for the above § 103 claim rejection. As stated above, Figs. 3B, 4B, and 6B illustrate features of a prior invention co-invented by one of the present applicants, and even if features of this prior invention were not invented by present applicants, they would not be “prior art” that would preclude patentability of the present invention. 35 U.S.C. § 103(c).

In any event, applicants amended independent claims 1, 3, 7, and 9 to further clarify the present invention. As amended, claims 1, 3, 7, and 9 recite, in part, as follows,

“predicting a noise by comparing noise components of a pair of copied frequencies with each other and extracting a frequency band having a larger noise component from the pair of copied frequencies generated by insertion of the specific signal...”

As acknowledged by the Examiner, Borth et al. do not disclose all features of the claimed invention. Applicants submit that Borth et al., as applied by the Examiner, also fail to disclose the above-cited feature of claims 1, 3, 7, and 9.

Applicants, therefore, respectfully submit that claims 1, 3, 7, and 9, together with claims 2, 4, 8, and 10 dependent therefrom, respectively, are patentable for at least the above-stated reasons.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Borth et al., and AAPA, further in view of U.S. Patent Application Publication No. 2002/0155811 to Prismantas et al.

The Examiner relied upon Prismiantas et al. to specifically disclose additional limitations recited in dependent claim 11. As such, even assuming, arguendo, that it would be obvious to one skilled in the art to combine the prior art references in the manner proposed by the Examiner, the combination would still fail to teach or suggest the above-described features of base claim 9, from which claim 11 depends. Therefore, applicants respectfully submit that claim 11 is patentable over the cited references for at least the above-stated reasons with respect to base claim 9.

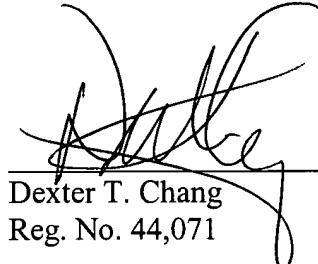
Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the undersigned attorney and, in the event that the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

The Examiner has made of record, but not applied, several additional U.S. patents. Applicants appreciate the Examiner's implicit finding that these references, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Dexter T. Chang
Reg. No. 44,071

CUSTOMER NUMBER 026304
Telephone: (212) 940-6384
Fax: (212) 940-8986 or 8987
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